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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 DOMINGO GERMAN MACAVILCA,

Case No. C08-5637 FDB

9 Plaintiff,

10 v.

SUPERCEDING ORDER
WITHDRAWING ORDER ADOPTING
REPORT AND RECOMMENDATION
[DKT # 14] AND DENYING REPORT
AND RECOMMENDATION AS MOOT.

11 WARDEN WIGGEN, *et al*,

12 Defendants.
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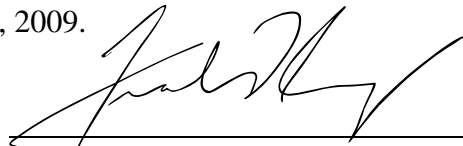
14 On May 126, 2009 this Court adopted the Report and Recommendation of the Magistrate
15 Judge that this civil rights action be dismissed for failure to prosecute.

16 The matter has not been abandoned, as Plaintiff has complied with the previous Order to
17 submit service copies and service forms for service of Plaintiff's amended complaint.

18 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.
19 Strombom and the remaining record, does hereby find the Report and Recommendation MOOT.

- 20 (1) The Court denies the Report and Recommendation;
21 (2) The action is referred to the Magistrate Judge for further proceedings.
22 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. Karen
23 L. Strombom.

24 DATED this 26th day of May, 2009.

25 
26 FRANKLIN D. BURGESS
27 UNITED STATES DISTRICT JUDGE
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